

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOAQUIN DANIEL MURILLO,

Plaintiff,

v.

STEVEN SMITH, et al.,

Defendants.


Case No. [23-cv-06327-JST](#)

**ORDER OF DISMISSAL**

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. ECF Nos. 1, 8. On June 17, 2024, the Court found that the complaint failed to state a claim for relief, and dismissed the complaint with leave to amend. ECF No. 12. The Court informed Plaintiff that the failure to file an amended complaint by July 15, 2024, would result in the dismissal of this action. *Id.* The deadline to file an amended complaint has passed, and Plaintiff has neither filed an amended complaint nor otherwise communicated with the Court. Accordingly, for the foregoing reasons and for the reasons stated in the Court's June 17, 2024 Order, this action is **DISMISSED**. The dismissal is without prejudice to filing a motion to reopen accompanied by a proposed amended complaint that addresses the deficiencies identified in the Court's June 17, 2024 Order, and explaining why Plaintiff failed to timely file an amended complaint. The Clerk shall enter judgment in favor of Defendants and against Plaintiff, and close the file.

**IT IS SO ORDERED.**

Dated: August 16, 2024

  
JON S. TIGAR  
United States District Judge